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### **PRESS RELEASE**

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## **Sen. Fort files legislation to place temporary moratorium on state's death penalty**

**ATLANTA** – Concerned about the fairness and accuracy of Georgia's death penalty system, State Sen. Vincent Fort (D-Atlanta) has filed two pieces of legislation at the State Capitol today, to place a moratorium until the end of 2007, on the state's death sentence and to create the Georgia Capital Punishment Study Commission.

"People need to be punished for the crimes they commit," Sen. Fort said today after filing the legislation, "but we have to make sure we are punishing the right people. I'm not convinced we are in every case."

Sen. Fort's legislation states: "A moratorium shall be imposed upon carrying out a sentence of death and during this moratorium no death sentence shall be carried out. This . . . shall apply to all pending and future cases in which the defendant has been sentenced to death and shall remain in effect from the date this . . . becomes effective until December 31, 2007."

Sen. Fort cited the American Bar Association's *Ensuring Fairness and Accuracy in State Death Penalty Systems: The Georgia Death Penalty Assessment Report*, which listed seven items in need of reform. The ABA expressed concern about inadequate defense at trial, despite Georgia's new capital defender system, and racial disparities in capital sentencing.

"Data shows us that those suspected of killing whites are four times more likely to be sentenced to death than those convicted of killing blacks," Sen. Fort noted. "Even when it is black-on-black crime."

The Report also questioned Georgia's stance on requiring defendants to prove mental retardation. Of the 26 states that have adopted statutes prohibiting the execution of the mentally retarded, only Georgia requires the defendant to prove his/her mental retardation beyond a reasonable doubt.

"The people of this state are concerned about the factors that influence decisions to seek and impose the death penalty," Sen. Fort continued. "It is incumbent upon us to establish a meaningful procedure and ensure uniform application of the death penalty across the state if we are going to continue to punish people in this manner."

Sen. Fort also is calling for a Georgia Capital Punishment Study Commission to study the death penalty. The Commission will be made up 18 members, including legislators, other state officials from the State Board of Pardons and Paroles and the Department of Corrections, the office of the Georgia Capital Defender, the Georgia Supreme Court and the state attorney general's office.

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*Sen. Vincent Fort represents the 39<sup>th</sup> Senate District which includes Fulton County. He may be reached by phone at 404.656.5091 or by e-mail at [vincent.fort@senate.ga.gov](mailto:vincent.fort@senate.ga.gov).*